



Pesticide and Noxious Weed Newsletter

Winter 2005/2006

Nebraska Department of Agriculture

Vol. 18

2005 Enforcement Summary

The following data reflect the Nebraska Department of Agriculture's (NDA) enforcement activities for the period of October 1, 2004, through September 30, 2005. Due to procedural and reporting delays, some violations and penalties listed may be related to inspections which occurred prior to October 1, 2004.

Drift

NDA received a typical number of drift complaints during the year. Of significant concern were two incidents involving highly toxic insecticides applied by aerial applicators that resulted in serious health effects to unprotected people who were directly exposed. NDA is currently reviewing these cases for enforcement action. Other drift cases involved right-of-way applications made to railroads and utility property that impacted private property nearby.

Diversion of treated corn seed for cattle feeding

During the latter end of the summer of 2004, an NDA Feed and Fertilizer Program inspector was alerted to the possible use of treated seed corn in cattle feed. An investigation found that a trucking company hired to haul waste seed corn had instead diverted numerous truckloads to cattle feedlots for livestock feed. Seed that has been treated with pesticides is not allowed to be used for this purpose, and the proper disposal method is either deep burial (landfill) or incineration (not burn pile, but chamber incineration). NDA issued an enforcement action and collected over \$25,000 in penalties for this violation.

Disputed Property Lines

There seems to have been a greater number of complaints involving disputed property lines this year. Application of herbicides at or near fencelines that were subsequently

questioned resulted in potential violations that eventually were non-issues. In one particular case, a private applicator applied a spring burndown application to alfalfa in preparation to plant corn. The elderly lady living next to the field complained the farmer drifted the chemical onto her property. An NDA inspector visited the site, observed two survey nails, and collected vegetation samples on the complainant's property in order to substantiate the claim. Upon interviewing the farmer, it was learned that there was a dispute regarding the property line. The inspector returned to the site and found that not only had the private survey nails been moved by the complainant, but she had also dug out and moved a State right-of-way concrete marker in her effort to "claim" property that was not hers. The samples collected by the inspector were actually taken from the farmer's property, therefore making the residues found technically on the target site, and no violation of the label existed.

Trouble with Termites

Complaints related to improperly applied termiticides continue to come into NDA. Due to increased public education by University of Nebraska Extension, more and more people are aware of how termiticides should be applied, and what extermination companies should do during inspections and treatments. One recent development NDA has not addressed is that of preconstruction treatments to a foundation at the time the waterproofing and footer drainage systems are installed. It was discovered that a developing practice of applying termite pretreatments as part of the waterproofing installation is insufficient to protect the structures, and is possibly being made in a manner that impacts off-site movement of the termiticides into bodies of water. Because the companies involved in these practices had not previously been

inspected, NDA chose to work pro-actively with them to help them understand their regulatory obligations and find ways to properly treat drainage systems at time of construction. No penalties were issued, but the companies were asked to attend the premier launching of UNL's Termite Applicator School, which they did.

Birds

Nuisance bird populations are an ever-increasing problem for cities and food processing plants, such as ethanol/corn syrup plants. NDA was involved in two situations in early 2005 that looked into bird control practices. These situations are very delicate in nature, due to the public's concern about killing birds, and the potential for unintended impacts on protected bird species. Any bird species that migrates with the change in seasons is protected by federal laws. Killing protected birds with pesticides is, therefore, not just a violation of pesticide laws, but also a violation of federal law, which is enforced by the U.S. Fish and Wildlife Service, and punishable by much stiffer fines and possible jail time. Fortunately, the two cases NDA investigated found the applicators were following the label, taking every reasonable measure to use Integrated Pest Management (IPM) in their control practices and following Federal guidelines on monitoring, trapping, and disposal in order to prevent impacts on protected species.

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Mosquito Control

At the request of EPA, NDA initiated monitoring of mosquito control applications in residential sites. While many of the larval treatments were applied correctly, it was determined that a number of smaller towns were allowing adulticide treatments to be made at inappropriate times and in ways that created overexposure to humans and the environment. It should be noted most mosquito control labels fall far short of providing adequate directions so applicators can use the product correctly. NDA and EPA have taken steps nationally to improve mosquito control product labels. In the next year or two, applicators will start to see expanded labels that address when to apply the products (timing), how to apply them (swath width and overlap), and how to incorporate IPM into control programs (such as monitoring pest populations to determine if control is even needed, thus avoiding the common practice of prophylactic applications).

Odor Complaints

Every year, NDA receives a few odor complaints. This year was no exception, but it seemed as though the number of calls and the level of alarm indicated by the callers was greater than in previous years. In comparison, there was a greater number of calm wind days that directly correlated to the claims, and NDA believes the odor of a pesticide application will linger much longer when it is calm, thus creating the potential for more concern by the public. There is a certain percentage of the population that, for various reasons, possesses a heightened fear of pesticides. This group also often feels that smelling the odor of a pesticide application represents exposure to the chemical. In reality, the odor of the chemical does not always mean exposure to the active ingredient, but could mean the volatile "other" ingredients in the solution are being smelled and associated with exposure. Examples of when an odor is the actual active ingredient would be 2,4-D, dicamba, sodium hypochlorite (in many disinfectants), and the organophosphate insecticides such as malathion and diazinon. The important thing to take into consideration is whether these odors represent actual health concerns from exposure. Applicators need to read those labels and not only protect themselves from exposure, but take into consideration what possible exposure the public and environment might experience after the application.

Helping Your Employees Pass NDA Certification Exams

Far too often, when an NDA exam proctor asks a test-taker what pesticide exams he/she needs to take the answer is, "I don't know. My boss just told me to show up here today to take some tests."

This common scenario not only sets up your employees to fail, it communicates a lack of concern for their professional development and apathy toward the safe and legal use of pesticides.

Help your employees SUCCEED!

To help employees pass NDA certification exams, an employer should:

1. Recognize that these are professional exams (like a plumbing or electrician license exam) which the average person won't pass without being familiar with laws/codes and some technical knowledge of the trade.
2. Be aware that your employees will need to pass a minimum of two exams. One will cover general topics such as pesticide types, formulations, label format, personal safety, environmental safety, and federal and state laws. Other category-specific exams will be required to become licensed. All exams are multiple choice with a 70% pass rate.
3. Provide employees with copies of study materials. All NDA exams are based on the content in UNL study manuals (General Standards and category) – not videos. University study manuals are available through the University Pesticide Extension Office by calling (402) 471-1632 or 800-627-7216. These manuals and sample questions may also be viewed on-line at <http://pested.unl.edu/training.htm>.
4. Set learning goals and give your employees time to study the extension manuals before scheduling NDA exams. Reading, understanding, and knowing how to apply the technical jargon used in the pest control industry is critical to passing NDA exams and functioning competently once the license is issued.
5. Understand that learning styles vary from person to person.

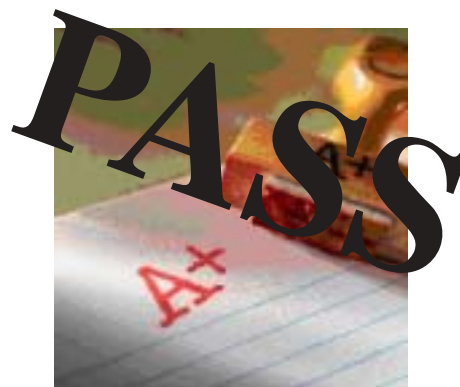
Determine how you can help individual workers learn new information and skills. Set realistic expectations. Employees with low literacy and math skills may not be able to pass NDA exams. Support your employees and encourage them to do their best.

6. Follow up with employees after they take exams and offer to help them with troublesome subject areas. Many people struggle with the technical terminology and mathematical calculations common in pesticide application work.
7. Show your employees that you value their development and contributions to your business. Help them to be professionals. Then let your clients know how you strive to develop knowledgeable, skilled employees.

NDA provides testing opportunities for pesticide applicators at our Lincoln office on Wednesday of each week, by appointment. You can schedule an employee for taking exams at NDA by calling (402) 471-2394 or toll free 877-800-4080. Testing is also provided at Initial Pesticide Applicator Training sessions sponsored by the University of Nebraska Extension Service and industry. Additional testing opportunities, sponsored by NDA staff, are provided at a number of different sites and dates throughout the state (many hosted at extension offices). You can check the list of scheduled testing sessions at the following site:

www.agr.ne.gov/division/bpi/pes/certest.htm.

(Portions of this article reprinted with permission from <http://agr.wa.gov/PestFert/Publications/docs/2005PesticideNotes.pdf>)



2006 Initial Certification Meetings Commercial and Non-Commercial (UNL or Association Training as well as Exams)

Training entities may charge fees for training. NDA will bill applicators separately for commercial licenses.

Date	Meeting	Category(ies)	City, Location
January 23-24	NE Nursery & Landscape	4	Council Bluffs, Mid-America Center
January 26-27	Urban Pest Mgt. Conference	8, 8W, 9, 11	Lincoln, Cornhusker Hotel
January 26-27	NE State Pest Control Assoc.	7, 8, 8W, 11	Omaha, Crowne Plaza
January 31	Ag Expo	1	Omaha, Qwest Center
January 31	UNL Initial Certification	1, 4, 7, 8, 8W, 9	Norfolk, Lifelong Learning Center
February 7	UNL Initial Certification	4, 7, 11, 14	Beatrice, Gage County Extension Office
February 7	UNL Initial Certification	1, 4, 8, 8W	Columbus, Platte County Extension Office
February 7	UNL Initial Certification	1, 4, 6, 7	Fremont, Dodge County Extension Office
February 7	UNL Initial Certification	1, 4, 5, 8, 8W, 10	Grand Island, College Park
February 7	UNL Initial Certification	1, 4, 7, 9, 11, 14	Lincoln, Lancaster County Extension Office
February 7	UNL Initial Certification	1, 3, 5, 9, 14	North Platte, West Central Research Center
February 7	UNL Initial Certification	1, 4, 8, 8W, 10, 14	Omaha, Douglas County Extension Office
February 7	UNL Initial Certification	1, 4, 9, 11	Scottsbluff, Panhandle Research Center
March 2	Custom Applicator School	1	Hastings, Central Community College
March 7	UNL Initial Certification	1, 4, 9	Beatrice, Gage County Extension Office
March 7	UNL Initial Certification	4, 7, 9, 14	Columbus, Platte County Extension Office
March 7	UNL Initial Certification	4, 6, 7, 9, 11, 14	Grand Island, College Park
March 7	UNL Initial Certification	1, 4, 7, 8, 8W, 10	Lincoln, Lancaster County Extension Office
March 7	UNL Initial Certification	1, 4, 5, 10, 14	Norfolk, Lifelong Learning Center
March 7	UNL Initial Certification	4, 7, 8, 8W	North Platte, West Central Research Center
March 7	UNL Initial Certification	3, 4, 7, 9	Omaha, Douglas County Extension Office
March 7	UNL Initial Certification	4, 5, 7, 8, 8W	Scottsbluff, Panhandle Research Center
March 16	UNL Initial Certification	1,4,5,7,8,8W,9,10,14	Norfolk, Lifelong Learning Center
March 23	UNL Initial Certification	1, 4, 6	Beatrice, Gage County Extension Office
March 23	UNL Initial Certification	4, 7, 9, 10	Omaha, Douglas County Extension Office
March 23	UNL Initial Certification	1, 4, 7, 14	Scottsbluff, Panhandle Research Center
March 23	UNL Initial Certification	1, 7, 14	Valentine, Cherry County Extension Office
April 20	UNL Initial Certification	4	Lincoln, Lancaster County Extension Office
April 20	UNL Initial Certification	4, 7, 8, 8W	Omaha, Douglas County Extension Office
April 20	UNL Initial Certification	4	Scottsbluff, Panhandle Research Center

2006 Recertification Meetings Commercial and Non-Commercial

Categories 1a, 2, 3, 5S, 6 and 14 can only be recertified this year by examination. Training entities may charge fees for training. NDA will bill applicators separately for commercial licenses.

Date	Meeting	Category(ies)	City, Location
January 5	Crop Protection Clinic	1	Auburn, Auburn Manor
January 6	Crop Protection Clinic	1	Beatrice, Holiday Inn Express
January 9	NE Turfgrass Conference	4	Omaha, Holiday Inn Central
January 10	Crop Protection Clinic	1	York, Chances "R"
January 11	Crop Protection Clinic	1	Hastings, Holiday Inn Garden Café
January 12	Crop Protection Clinic	1	O'Neill, Blarney Stone Restaurant
January 13	Crop Protection Clinic	1	Norfolk, Lifelong Learning Center
January 17	Crop Protection Clinic	1	Fremont, Christensen Field
January 17	Crop Protection Clinic	1	Scottsbluff, Panhandle Research Center
January 18	Crop Protection Clinic	1	Ogallala, Grey Goose Lodge
January 19	Crop Protection Clinic	1	Broken Bow, Bum Steer
January 20	Crop Protection Clinic	1	Holdrege, Ag Center
January 23	Crop Protection Clinic	1	Lincoln, Lancaster County Extension Office
January 23-24	NE Nursery and Landscape Assoc.	4	Council Bluffs, Mid-America Center
January 26-27	Urban Pest Mgt. Conference	8, 8W, 9, 11	Lincoln, Cornhusker Hotel
January 26-27	NE State Pest Control Assoc.	7, 8, 8W, 11	Omaha, Crowne Plaza

(Continued on next page)

Please Post for Future Reference

Date	Meeting	Category(ies)	City, Location
January 31	Ag Expo	1	Omaha, Quest Center
February 2	UNL Recertification	4, 7, 8, 8W, 10, 11	Norfolk, Lifelong Learning Center
February 9	UNL Recertification	4, 7, 11	Beatrice, Gage County Extension Office
February 9	UNL Recertification	4, 5, 7, 9	Columbus, Platte County Extension Office
February 9	UNL Recertification	4, 7, 8, 8W	Fremont, Dodge County Extension Office
February 9	UNL Recertification	4, 7, 8, 8W, 10	Grand Island, College Park
February 9	UNL Recertification	4, 7, 9	Holdrege, Phelps County Extension Office
February 9	UNL Recertification	4, 5, 7, 8, 8W, 11	Lincoln, Lancaster County Extension Office
February 9	UNL Recertification	4, 7, 11	North Platte, West Central Research Center
February 9	UNL Recertification	4, 7, 8, 8W, 9, 11	Omaha, Douglas County Extension Office
February 9	UNL Recertification	4, 7, 8, 8W	O'Neill, Holt County Extension Office
February 9	UNL Recertification	4, 7, 8, 8W, 9, 11	Scottsbluff, Panhandle Research Center
February 14-15	NE Aviation Trades Assoc.	1, 12	Grand Island, Midtown Holiday Inn
February 28	UNL Recertification	4, 5, 7	Ainsworth, Courthouse Meeting Room
February 28	UNL Recertification	4, 7, 11	Beatrice, Gage County Extension Office
February 28	UNL Recertification	4, 5, 7	Columbus, Platte County Courthouse
February 28	UNL Recertification	4, 5, 7, 8, 8W, 11	Grand Island, College Park
February 28	UNL Recertification	4, 5, 7	Holdrege, Phelps County Fairgrounds
February 28	UNL Recertification	4, 5, 7, 8, 8W	Norfolk, Lifelong Learning Center
February 28	UNL Recertification	4, 7, 9, 10	North Platte, West Central Research Center
February 28	UNL Recertification	4, 5, 7, 9, 10	Omaha, Douglas County Extension Office
February 28	UNL Recertification	4, 5, 7, 11	Scottsbluff, Panhandle Research Center
March 2	Custom Applicator School	1	Hastings, Central Community College
March 14	UNL Recertification	4, 7, 8, 8W, 9	Norfolk, Lifelong Learning Center
March 21	UNL Recertification	4, 7, 9	Beatrice, Gage County Extension Office
March 21	UNL Recertification	4, 7, 10	Columbus, Platte County Extension Office
March 21	UNL Recertification	4, 7, 8, 8W, 11	Lincoln, Lancaster County Extension Office
March 21	UNL Recertification	4, 7, 8, 8W, 11	Omaha, Douglas County Extension Office
March 21	UNL Recertification	4, 5, 7	O'Neill, Holt County Extension Office
March 21	UNL Recertification	4, 5, 7, 9, 11	Scottsbluff, Panhandle Research Center
March 21	UNL Recertification	4, 5, 7	Valentine, Cherry County Extension Office

2006 Industry and Association Meetings Approved for Commercial and Non-Commercial Recertification

January 9	NE Turfgrass Conference	4	Omaha, Holiday Inn Central
January 23-24	NE Nursery & Landscape Assoc.	4	Council Bluffs, Mid-America Center
January 26-27	Urban Pest Management Conf.	8, 8W, 9, 11	Lincoln, Cornhusker Hotel
January 26-27	NE State Pest Control Assoc.	7, 8, 8W, 11	Omaha, Crowne Plaza
January 31	Ag Expo	1	Omaha, Qwest Center
February 14-15	NE Aviation Trades Assoc.	1, 7, 12	Grand Island, Midtown Holiday Inn
March 2	Custom Applicator School	1	Hastings, Central Community College

Applicator Categories

1	Ag Plant	8	Structural Health
1a	Soil Fumigation	8W	Wood Destroying Organism
2	Ag Animal	9	Public Health
3	Forest	10	Wood Preservation
4	Ornamental and Turf	11	Fumigation (grain)
5	Aquatic	12	Aerial
5S	Sewer Root (<i>metam sodium</i>)	14	Wildlife Damage Control
6	Seed Treatment	REG	Regulatory Subcategory
7	Right-of-Way	D/R	Demonstration/Research Subcategory

Please Post for Future Reference

Safety Training - Who Needs What?

Have you ever been confused by the various state and federal requirements for pesticide safety training and wondered who needs what training?

On the state level, the Nebraska Department of Agriculture (NDA) may require certification and licensing or it may require mixer/loader training. On the federal level, employers may be responsible for Occupational Safety and Health Administration (OSHA) or Worker Protection Standard (WPS) training. It's possible that a business will have employees needing only state training, only federal training, or perhaps both.

Here is a brief description of who needs what:

- Anyone hired to apply restricted-use pesticides (RUPs) needs to be state certified and licensed as a commercial or noncommercial applicator.
- If the person hired to apply pesticides (either RUPs or general-use pesticides (GUPs)) will be treating an agricultural site (where plants are commercially grown, such as a row crop, plant nursery, greenhouse, sod farm, etc.), that person is subject to the federal WPS as a handler. Note that even if this person is only applying GUPs to an agricultural site (and may not be required to be state certified/licensed), he/she is subject to federal training requirements and would need to be trained as a WPS handler. State certification as a pesticide applicator satisfies WPS handler training requirements.
- If a person is hired to mix, load, or

service chemical application equipment, that person is not required to be state certified and licensed. However, the person just described must complete state-approved mixer/loader training and complete a training verification form which the employer will hold for the employee. The state-required mixer/loader training must be completed every three years. On the federal level, the same person must also be trained as a WPS handler. The employer should record when this training occurs. Federal WPS training is valid for five years.

- Field scouts require no state certification, but on the federal level are considered WPS handlers and must receive WPS handler training at least once every five years.
- Roguers, detassellers, nursery transplanters, greenhouse employees, fruit pickers (including grape pickers), sod workers, and others who perform hand labor in sites where plants are commercially grown and treated with pesticides must be trained on a federal level as WPS workers at least once every five years.

The federal guidelines for the training of WPS handlers are more extensive than the requirements for the person being trained as a WPS worker.

State-certified applicators and trained WPS trainers can conduct WPS handler training, using EPA-approved materials. State-certified applicators, trained trainers, and WPS handlers can conduct WPS worker training.

All state pesticide safety training is valid for a three-year period. All federal WPS safety training is valid for five years.

If you have questions related to pesticide safety training or need training tools for your business, contact NDA at 877-800-4080. NDA oversees the federal WPS program in our state and offers many WPS training materials free of charge. A listing of these materials can be found with the electronic version of this issue, or at the first web link below. More information can be found at:

- Worker Protection Standard (<http://www.agr.ne.gov/division/bpi/pes/wps.htm>)
- Mixer/Loader Training Verification Form (<http://www.agr.ne.gov/division/bpi/pes/mixload.pdf>)
- Nebraska Department of Labor (<http://www.dol.state.ne.us/>) – OSHA and other safety requirements

Welcome DaLene

DaLene Wiess joined the Pesticide Program as our new Staff Assistant on October 17th. Previous to joining NDA, DaLene worked with the Department of Labor as a communication coordinator, and also worked for a number of years with the University of Nebraska Department of Agricultural Economics. DaLene will be the lead receptionist on the phone when applicators call into our office. She will also be in charge of in-house testing and carry quite a bit of the load for certification license updates. Welcome, DaLene!

Web Links of Interest

- University Extension office directory - http://www.extension.unl.edu/About_Us/County_Offices/
- UNL Pesticide Education Resources (including private and commercial/noncommercial applicator training) - <http://pested.unl.edu/>
- Nebraska Chapters of the Soil and Water Conservation Society - <http://incolor.inetnebr.com/douggs/swcs/>
- Central Platte Natural Resources District Prescribed Burn Program - <http://www.cpnrd.org/>
- Nebraska Association of Natural Resources Districts - <http://www.nrdnet.org/index.htm>
- NDA Searchable Databases (pesticides, dealers, applicators) - <http://www.agr.ne.gov/division/bpi/pes/pest1.htm>
- University of Nebraska publications (weed, pest, water, pesticide, soil, and irrigation management) - <http://ianrpubs.unl.edu/browse.htm>
- Nebraska Weed Control Association - <http://www.neweed.org/>
- Lower Platte Weed Management Area - www.lowerplattewma.org
- Middle Niobrara Weed Awareness Group - www.mnwag.org
- Twin Valley Weed Management Area - www.twinvalleywma.org
- Invasive and Exotic Species - (information and images on weeds, insects, and diseases - <http://www.invasive.org/>)
- North American Weed Management Association - <http://www.nawma.org/>

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site listed below, and we will notify you
of the next publication.*

Website: www.agr.ne.gov/division/bpi/pstnx/news.htm

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***T**his newsletter is available in other formats
for persons with disabilities upon request.
For an alternate format or for additional
information on topics in this publication,
please call the Nebraska Department of
Agriculture at (402) 471-2394.*

*TDD users can contact the Department by
first calling the Nebraska Relay System.
Telephone (800) 833-7352 and asking the
operator to call (402) 471-2394.*

Greg Ibach, Director
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Worker Protection Standard (WPS) Information and Training Materials Available from NDA

Informational Resources:

How To Comply Manual - What Employers Need To Know	EPA
Four page Summary Outlining Major Elements of the WPS	NDA
One page WPS Agricultural Worker Training Requirements list	NDA
One page WPS Agricultural Handler Training Requirements list	NDA
Agricultural Worker Protection Standard Interpretive Policy	EPA
USDA Recordkeeping for Greenhouses	USDA

Brochures

WPS - Duties of Employers	NDA
WPS - Nurseries and Greenhouses	NDA
WPS and Family Businesses	NDA
Seed Corn Detasseler Safety and First Aid	NDA
NEW! What do I do if I'm Exposed to Pesticides? (<i>English and Spanish</i>)	NDA

Compliance Materials:

SAFETY POSTER, Protect Yourself from Pesticides (<i>English or Spanish</i>)	NDA
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Training Resources:

Manuals

Protect Yourself from Pesticides - Guide for Agricultural Workers (<i>English or Spanish</i>)	EPA
Protect Yourself from Pesticides - Guide for Pesticide Handlers (<i>English or Spanish</i>)	EPA
Greenhouse Pesticide Safety Training for Workers and Handlers (<i>English or Spanish</i>)	EPA

Videos

Pesticide Safety - Worker Protection	University of Idaho
Pesticide Handlers and the WPS (<i>English or Spanish or both on one tape</i>)	Michigan State University
Greenhouse Pesticide Safety Training (<i>English or Spanish</i>)	Society of American Florists
WPS for Nurseries and Greenhouses	West Virginia Polytech

Flip Chart

Detasseler (WPS Worker) Flip Chart	NDA
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Other Materials

Worker Protection Training Agreement	NDA
Worker Training Verification Cards	EPA
Handler Training Verification Cards	EPA